

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Louis Villatoro #FS-6430/MN6045
(Name of Plaintiff) (Inmate Number)

175 Progress Drive
(Address) Waynesburg, PA. 15370

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

(1) Tammy Ferguson

(2) Bobbi Jo Salamon

(3) Jennifer Rossman, et al.,

(Names of Defendants) Additional
Defendants attached.

(Each named party must be numbered,
and all names must be printed or typed)

18-205
(Case Number)

CIVIL COMPLAINT

FILED
SCRANTON

30
JAN 20 2018

PER SL

DEPT. CLERK

TO BE FILED UNDER: X 42 U.S.C. § 1983 - STATE OFFICIALS

____ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Followed grievance process.
Grievances were denied and appealed all the way up.
 2. What was the result? All grievances were denied.
- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS

- (1) Name of first defendant: Tammy Ferguson

Employed as Superintendent at SCI-Benner Township
Mailing address: 301 Institution Drive, Bellefonte, PA. 16823

- (2) Name of second defendant: Bobbi Jo Salamon

Employed as Deputy/DSCS at SCI-Benner Township
Mailing address: 301 Institution Drive, Bellefonte, PA. 16823

- (3) Name of third defendant: Jennifer Rossman

Employed as CCPM at SCI-Benner Township
Mailing address: 301 Institution Drive, Bellefonte, PA. 16823

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. On December 13, 2013, the Lehigh County Court of
Common Pleas issued an Order, requesting the
Department of Corrections to place the Plaintiff in

DEFENDANTS

- (4) Timothy Graham : Major of Unit Manager-SCI-Benner Twp.
- (5) Shawn Wiggins : CAM- SCI-Benner Twp.
- (6) Dave Link : Unit Manager- SCI-Benner Twp.
- (7) Major Grice : Major- SCI-Huntingdon, 1100 Pike St.,
Huntingdon, PA. 16654-1112
- (8) Lt. Hoffman : Now Captain- SCI-Benner Twp.
- (9) Lt. ████████ : Lieutenant- SCI-Benner Twp.
- (10) Lt. Reiter : Lieutenant- SCI-Benner Twp.
- (11) Sgt. Singer : Sergeant- SCI-Benner Twp.
- (12) C.O. Shiry : Corrections Officer- SCI-Benner Twp.

Address for SCI-Benner Employees

301 Institution Drive
Bellefonte, PA. 16823

a single cell for his protection due to numerous assaults as a result of his testimony in Court.

2. On February 15, 2016 Plaintiff was violently (physically and sexually) assaulted as a direct result of the Defendant's intentional refusal to obey the Court Order, knowing full well of the immediate danger the Plaintiff was in which constitutes Deliberate Indifference
3. The Defendant's actions were deliberate, and intentional. The Defendants knowingly and willingly violated Plaintiff's Constitutionally protected 8th and 14th Amendment Rights and ignored D.O.C. policy as well as a Court Order that was specifically put in place to protect the Plaintiff from harm.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Punitive damages in the amount of \$200,000.00 from each Defendant, plus Court costs and fees.
Total amount of \$2,400,000.00 + Court costs and fees.
2. Prisoner release from state custody pursuant to 18 USCS §3626 (E)(ii): no other relief will remedy the violation of the Federal right.
3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____

day of _____

20____

(Signature of Plaintiff)

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits, credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.** ☒

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. **Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.** ☐

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

Clerks Of Courts
United States District Court
for Middle District Of Pennsylvania
William J. Nealson Federal Building
235 N. Washington Avenue
P.O. Box 1148
Scranton PA 18501

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JAN 30 2018

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